

SECOND REGULAR SESSION

HOUSE BILL NO. 1627

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KREIDER.

Read 1<sup>st</sup> time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3966L.011

AN ACT

To repeal sections 64.170, 64.180, 64.190, and 64.205, RSMo, and to enact in lieu thereof four new sections relating to building regulations in certain counties.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 64.170, 64.180, 64.190, and 64.205, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 64.170, 64.180, 64.190, and 64.205, to read as follows:

64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first [and], second, **and third** classification, as provided by law, is for this purpose empowered, subject to [the provisions of] subsections [3] **5** and [4] **6** of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein[, and].

**2. The county commission in any county of the first, second, or third classification may** provide for the issuance of building permits and **may** adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations [and].

**3. The county commission in any county of the first, second, or third classification may** provide for the inspection [thereof] of **electrical wiring and installation** and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, [as herein provided] **pursuant to sections 64.170 to 64.205.**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 [2.] **4.** For the purpose of promoting the public safety, health and general welfare, to  
17 protect life and property, the county commission in [a] **any** county of the first classification  
18 [having a population of more than one hundred sixty thousand but less than two hundred  
19 thousand] **without a charter form of government and with more than one hundred ninety-**  
20 **eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants,**  
21 as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to  
22 control the construction, reconstruction, alteration or repair of any building or structure, and  
23 provide for the issuance of building permits and adopt regulations licensing contractors, firms  
24 or corporations other than federal, state or local governments, public utilities and their  
25 contractors engaged in the business of plumbing or drain laying and provide for the inspection  
26 thereof and establish a schedule of permit, license and inspection fee and appoint a building  
27 commission to prepare the regulations, [as herein provided] **pursuant to sections 64.170 to**  
28 **64.205.**

29 [3.] **5.** Any county which has not adopted a building code prior to August 28, 2001,  
30 pursuant to sections 64.170 to [64.200] **64.205**, shall not have the authority to adopt a building  
31 code pursuant to such sections unless the authority is approved by voters, subject to the  
32 provisions of subsection 4 of this section.

33 The ballot of submission for authority pursuant to this subsection shall be in substantially the  
34 following form:

35 "Shall ..... (insert name of county) have authority to create, adopt and impose  
36 a county building code?"

37 ☐ Yes ☐ No

38 [4.] **6.** The proposal of the authority to adopt a building code shall be voted on only by  
39 voters in the area affected by the proposed code, such that a code affecting a county shall not be  
40 voted upon by citizens of any incorporated territory.

64.180. 1. The county commission of any county [which shall exercise] **exercising** the  
2 authority granted [under the provisions of] **in** sections 64.170 to [64.200] **64.205** shall appoint  
3 a building commission consisting of five members, residents and taxpayers of the county, one  
4 of whom shall be a member of the county commission, to be selected by the county commission.  
5 The members of the commission shall serve without compensation for a term of two years. The  
6 term of the county commission member shall not extend beyond the tenure of [his] **the**  
7 **member's** office. **The county commission of any county of the first, second, or third**  
8 **classification may authorize the appointment of such a building commission by its own**  
9 **ordinance or order; except that, the county commission of any county of the third**  
10 **classification shall be mandated to appoint a building commission pursuant to this**  
11 **subsection if a petition is submitted which:**

- 12           **(1) Is signed by at least ten percent of the registered voters in any defined affected**  
13 **area in such county who voted in the last gubernatorial election;**
- 14           **(2) Is verified by the election authority to the county commission as having been**  
15 **signed by at least ten percent of the registered voters in any defined affected area in such**  
16 **county who voted in the last gubernatorial election; provided that, if such petition is found**  
17 **to have not been signed by the requisite number of voters, such petition may be returned**  
18 **to the submitting party without prejudice to any subsequent submission of such petition**  
19 **to the election authority;**
- 20           **(3) Legally defines the affected area to which such building code is to apply, which**  
21 **may include part or all of the unincorporated area of such county;**
- 22           **(4) Instructs the commission to appoint a building commission pursuant to this**  
23 **subsection; and**
- 24           **(5) Includes a nonbinding recommendation that the commission adopt the building**  
25 **code proposed by such commission.**
- 26           2. [Said] When so instructed by the county commission, or when petitioned by the  
27 **requisite number of petitioners in a county of the third classification or any defined**  
28 **affected area in such county pursuant to subsection 1 of this section, the building**  
29 **commission shall prepare a building and electrical code of regulations [under the powers granted**  
30 **herein] pursuant to sections 64.170 to 64.205, which shall be submitted to the county**  
31 **commission for adoption. Such code of regulations shall be in accord with standards prescribed**  
32 **by recognized [inspection and testing laboratories and] model code agencies consistent with**  
33 **section 64.196.**
- 34           3. Before the adoption of such code of regulations, the county commission shall hold at  
35 **least three public hearings thereon, fifteen days' notice of the time and place of which shall be**  
36 **published in at least two newspapers having general circulation within the county and notice of**  
37 **such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous**  
38 **places in the county. The regulations adopted shall be applicable to the unincorporated territory**  
39 **of the county, except as otherwise provided [herein] in sections 64.170 to 64.205, and may from**  
40 **time to time be amended by the county commission after hearings are held and notice given, as**  
41 **prescribed [herein] in sections 64.170 to 64.205. In any county of the third classification, the**  
42 **regulations adopted may, if the commission so chooses or if the commission is petitioned**  
43 **to do so by the requisite number of petitioners pursuant to subsection 1 of this section, be**  
44 **made applicable to a defined affected area within the unincorporated territory of the**  
45 **county, or to the unincorporated territory of the county as a whole. The county commission**  
46 **of any county adopting such a code is authorized to employ and pay the personnel necessary**  
47 **to enforce the regulations adopted.**

48           **4. In addition to adoption by the county commission pursuant to subsection 2 of**  
49 **this section, any building code adopted in any county of the third classification shall be**  
50 **subject to the approval of the voters in the defined affected area of such county; provided**  
51 **that, subsequent amendments to such code, if initially approved by the voters in such area,**  
52 **shall not be subject to such voter approval. The proposal to adopt the code as approved**  
53 **by the commission shall be placed on the ballot of the next county-wide primary or general**  
54 **election, and shall be submitted in substantially the following forms, as applicable:**

55           **(1) In the case of a proposal to enforce such code on the entire unincorporated area**  
56 **of such county, the ballot shall be submitted in substantially the following form:**

57  
58 **"Shall the building and electrical code proposed by the ..... (insert county name)**  
59 **commission be adopted and enforced throughout the unincorporated portion of (insert**  
60 **county name)?"**

61                   ☐ **YES**

☐ **NO;**

62           **(2) In the case of a proposal to enforce such code on a defined affected area of the**  
63 **unincorporated portion of such county, the ballot shall be submitted in substantially the**  
64 **following form:**

65  
66 **"Shall the building and electrical code proposed by the ..... (insert county name)**  
67 **commission be adopted and enforced in ..... (insert description of defined affected area)**  
68 **of (insert county name)?"**

69                   ☐ **YES**

☐ **NO.**

70  
71 **If a majority of the qualified voters voting in the affected area are in favor of the question**  
72 **presented pursuant to this subsection, then the code shall be adopted and enforced in the**  
73 **areas to which it was submitted for a vote. If a majority of the qualified voters voting in**  
74 **the affected area are not in favor of the question presented pursuant to this subsection,**  
75 **then the code shall not be adopted and enforced in such area unless the question is again**  
76 **presented and approved by a majority of the qualified voters voting in the affected area.**

77           **5. Any ordinance enacted pursuant to sections 64.170 to 64.205 shall apply to the**  
78 **erection, remodeling, or addition of building structures.**

79           **6. No ordinance or order adopted pursuant to subsection 4 of this section shall**  
80 **apply to any farm structures unless the structures are used for residential occupancy.**

81           **7. No ordinance or order adopted pursuant to subsection 4 of this section shall**  
82 **apply to land use.**

64.190. [Said] **The building** commission or such members thereof as are designated

2 [under] **in** the regulations adopted by the county commission shall be authorized to examine all  
3 applicants for a license to engage in electrical wiring or installation work and [shall have  
4 authority under said] **may, pursuant to such** regulations [to], revoke or suspend any license  
5 issued for refusal or failure to comply with [the] **such** regulations [adopted, and any person, firm  
6 or corporation licensed under the provisions of sections 64.170 to 64.200 shall be authorized to  
7 make electrical installations in any municipality in the county and be subject to the inspection  
8 requirements contained in the regulations adopted hereunder and shall not be licensed by any  
9 city, town or village in said county; provided, that the provisions of sections 64.170 to 64.200  
10 shall not apply to any city having or that may hereafter have a population of more than one  
11 hundred and twenty thousand inhabitants].

64.205. Sections 64.170 to [64.200] **64.205** shall apply to all counties of the first [and  
2 second class], **second, and third classification.**